

Dear FCC Commissioners & Staff:

My name is Michael D. Bathrick and I am the CEO and President of BerkshireNet, Inc., in Pittsfield, MA. We began business in 1995 and presently have 2,000 customers, most of whom live and work in Western Massachusetts but we also do a fair amount of web hosting for customers throughout the nation, and have some overseas customers as well.

We offer many services that our local phone company, Verizon, does not. We also helped our local libraries, governments and school systems get online, even before and without the e-rate, and we continue to host their websites.

When we opened for business we started, as many ISPs did, with a stack of ordinary dial-up modems and a fistful of phone lines from Verizon. Of course getting phone lines from Verizon was always a problem, and we frequently lost customers when our modem lines became busy because Verizon was late delivering phone lines we had ordered well in advance, lost our hunt groups or had line installation personnel talk customers into using Verizon services instead of ours.

Nowadays we have moved on from ordinary phone lines to digital PRI's (Primary Rate ISDN), and the second a CLEC came to town, we moved all of the business we could over to that company instead. Since then the price has gone down, but more importantly, service has improved.

Unfortunately, I can't say the same about DSL. The CLEC we work with has chosen not to enter the DSL business, and the expansion of some of the 'Data CLECs' has stopped. If we want to offer Internet access over DSL to our customers, we must do it through Verizon, and the prices Verizon has offered us make it impossible for us to compete. We are expected to pay \$40 per month for the data line to reach the customer, and turn around and compete with Verizon, which is offering reconfigured phone lines, internet access, free \$200 modems and web cameras, for \$50 per month. There is no way we can offer this product without losing money, and so we have stayed out of the DSL market. Unfortunately this also means that we are losing customers, either to Verizon for DSL or to the cable company, since more and more of our customers are demanding faster access and if we can't provide it, they'll go to someone who will. If that trend continues, independentisp.net will not be around much longer!

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I do not have the resources to fight the tariff that Verizon has filed that allows it to get away with charging ISPs a wholesale rate of \$40 for access to the network. I believe the true cost is probably a great deal less than that. However, I also do not believe that the answer to this problem is simply to allow Verizon to stop selling access to the network at all, or to take away the requirements that are supposed to be preventing Verizon from discriminating.

The answer is for the FCC to make a good faith effort to uncover the discrimination (whether it is in pricing or provisioning) and put an end to it. One way to do this would be to enforce a structural separation of the Bells into wholesale and retail segments • and forcing the Bell Retail to purchase services from Bell Wholesale at the same rate as the CLEC pays. Until the FCC has demonstrated that it is willing to do this for ISPs, any talk about lifting the rules for monopolies like Verizon is premature.

I hope that you will take my comments seriously - I am sending a copy of this letter to my Congressman as well.

Sincerely,

Michael D. Bathrick  
126 Fenn Street, Suite 1  
Pittsfield, MA 01201